

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for June 13, 2023- DRAFT

Attendees:

Joseph Stepp, CPA, CGFM, CFE, Chair
Dawn R. McCoy, MPP
Kevin Logan, Esq.
Michael Hoover, CFA.
Vanessa S. Rakestraw, PhD, CRC,
Cathy Slusher, M.D.
Ronald M. Ramus M.D.

Also Present:

George Deebo, Executive Director
John Raines, Deputy Director
Natalie Edwards, Benefits and Claims Specialist
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General

Call to Order:

Mr. Stepp, Chair, called the meeting to order at 10:36 a.m.

Minutes:

Mr. Stepp, Chair, moved that the Minutes be approved. Dr. Slusher seconded the motion, and the motion passed unanimously.

Finances and Investments:

Mr. Raines reported that the Program has approximately \$628 million in investment, as compared to \$621 million as of the same time last year. The Program saw an increase in administrative expenses primarily due to market conditions and increase in performance billing regarding financial reserves.

Mr. Stepp, Chair, moved that the financial and investment reports be approved. Mr. Logan seconded the motion, and the motion passed unanimously.

Closed Session (Claimants' Issues, Ratifications and Settlements):

Mr. Stepp, Chair, moved that the meeting convene in accordance with the provisions of Sections 2.2-3711 (A)(8) and 2.2-3705.5 (11) of the Code of Virginia, and that the board go into closed meeting for the purpose of

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefings in open meeting would adversely affect the negotiation or litigating posture of the Board, and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel regarding

Discussion of records the Virginia Birth-Related Neurological Injury Compensation Program is required to keep confidential pursuant to Virginia Code Section 38.2-5002.2; more specifically, records concerning the deliberations of the board of directors in connection with specific claims, as prevented from being disclosed by Virginia Code Section 38.2-5002.2 (iii).

The motion was seconded by Dr. Rakestraw, and it passed unanimously.

CERTIFICATION

Mr. Stepp, Chair, moved the adoption of the following resolution:

WHEREAS, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Birth-Related Neurological Injury Compensation Program's Board certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law discussed in closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Mr. Stepp, Chair, individually polled each of the members of the Board, and each Certified the Resolution.

Results of Closed Session (Claimants' Issues, Ratifications and Settlements):

B-07-03: Mr. Stepp moved that the Board deny the request, as made, in the case of B-07-03, and instruct Program staff to provide the family with information concerning the wage benefit. Dr. Ramus seconded the motion and it passed unanimously.

B-22-07 and B-23-02: Mr. Stepp moved that the Board ratify, solely in lieu of litigation, the settlement of the pre-petition reimbursement/compensation claims and claims pursuant to Virginia Code §38.2-5009.1 made in case numbers B-22-07 and B-23-02, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Slusher seconded the motion, and it passed unanimously.

B-23-01: Mr. Stepp moved that the Board ratify solely in lieu of litigation, the settlement of the pre-petition reimbursement/ compensation claims and claims made in the case number B-23-01, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Slusher seconded the motion and it passed unanimously.

Case No. CL21001675-00: Mr. Stepp moved that the Board approve the proposed settlement, solely in lieu of litigation, of the subrogation claims in case number CL21001675-00, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Logan seconded the motion, and it passed unanimously.

B-22-08, B-22-07, B-22-05, and B-23-02: Mr. Stepp moved that the Board ratify, solely in lieu of litigation, the settlement of the fees and costs claims made in case numbers B-22-08, B-22-07, B-22-05, and B-23-0, in accordance with the parameters and conditions discussed and approved by the Board. Ms. McCoy seconded the motion and it passed unanimously.

B-23-01: Mr. Stepp moved that the Board approve, solely in lieu of litigation, the settlement of the fees and costs claims made in case number B-23-01, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Ramus seconded the motion and it passed unanimously.

New Business:

Following discussion, the Board agreed to modify the meeting schedule. Meetings will be scheduled for September 12, 2023 and November 14, 2023. Reserve meeting dates, if needed, will be July 11, 2023 and December 12, 2023.

Executive Director's Comments:

Mr. Deebo has been in contact with the Secretary of the Commonwealth's office regarding new and re-appointments since several Board member terms end June 30, 2023.

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 11:52 a.m.